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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,997	10/26/2001	Kevin Lauren Cote	600.1178	3643

7590 07/07/2005

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EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,997

Applicant(s)

COTE ET AL.

Examiner

Phong H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal brief filed on 05/12/2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-8 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarring (3,722,336).

Regarding claims 1, 2, 4, 5, 7 and 8, Sarring teaches a transfer apparatus comprising a transfer element (1224,1294) configured to grip a sheet of material and move the sheet of material to a moving side table 1490 and a driver configured to move

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the transfer element at the same speed as the moving side table during a first time period.

See cols. 29-36 and Figs. 1-4, 27, 28, 38 and 39.

Regarding claim 3, side clamps 1430 are best seen in Figs. 2 and 34-36.

Regarding claim 6, the driver is configured to move the transfer element at the same speed as a receiving conveyor (1361, 1334, 1360). See Fig. 33 and section Speeder belt in cols. 36 and 37.

Regarding claim 21, the transfer element speed matches the side table speed between 270-310 degrees in Fig. 38.

Regarding claim 22, since there is no clear definition of a 360 degrees of the reciprocating motion of the side table, the Examiner defines the 130 degrees of the reciprocation motion of the side table being at 300 degrees in Fig. 38.

Regarding claim 23, the driver has a curved velocity profile. See Fig. 33.

Regarding claim 24, see Fig. 33.

Claim Rejections - 35 USC § 103

4. Claims 9-11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarring in view of Applicant's admitted prior art, hereinafter AAPA.

Regarding claim 9, Sarring teaches the invention substantially as claimed except for the transfer element including a shuttle mechanism. AAPA teaches the art equivalence of the belts and the shuttle mechanism. See paragraph [100]. Therefore, it would have been obvious to one skilled in the art to use a shuttle mechanism instead of

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belts to transfer a work piece to the side table since such replacement is routine skill in the art.

Regarding claim 10, Sarring teaches the invention substantially as claimed except for the driver including an epicyclic gear unit. AAPA teaches using epicyclic gear for changing speed of a conveyor being well known in the art. See paragraph [102]. Therefore, it would have been obvious to one skilled in the art to include an epicyclic gear in the driver of Sarring since using epicyclic gear for changing speed of the driver is well known in the art as taught by AAPA.

Regarding claim 25, Sarring teaches a transfer apparatus comprising a transfer element (1224,1294) configured to grip a sheet of material and move the sheet of material to a moving side table 1490 and a driver configured to move the transfer element at the same speed as the moving side table during a first time period. See the section Transport mechanism in cols. 29-36 and Figs. 1-4, 27, 28, 38 and 39.

Sarring fails to teach the driver including an epicyclic gear unit. AAPA teaches using epicyclic gear for changing speed of a conveyor being well known in the art. See paragraph [102]. Therefore, it would have been obvious to one skilled in the art to include an epicyclic gear in the driver of Sarring since using epicyclic gear for changing speed of the driver is well known in the art as taught by AAPA.

Conclusion

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN:



June 30, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700